

**REMARKS**

Applicant's undersigned attorney thanks the Examiner for her comments. Applicant respectfully requests reconsideration of this patent application, particularly in view of the above Amendment and the following remarks. Currently, Claims 1-49 are pending.

Bathing kits containing disposable washcloths currently available are typically packaged for single use. Thus, the solutions and the basesheets in these bathing kits have not been formulated to withstand multiple heatings and are susceptible to thermal degradation of critical components such as preservatives, surfactants, and/or fragrances. By selecting a basesheet and solution formulation that is resistant to thermal degradation, a disposable washcloth article can be heated multiple times without the creation of undesirable chemical breakdown products.

Thus, the present invention is directed to a disposable wash cloth having an aqueous solution incorporated onto a basesheet that is heatable to a select temperature at least twice while maintaining chemical stability. The aqueous solution includes a fragrance, at least one cocopolyglucose or arginine cocoate mild surfactant, at least one moisturizer, and at least one preservative. Such cocopolyglucose or arginine cocoate mild surfactants are generally classified as alkyl glucose ester or alkyl glucoester surfactants.

**Amendment to the Claims**

Claims 1-19 have been examined with no claims being allowed. Claims 20-34 have been canceled and new Claims 35-49 have been added. Amended Claims 1, 10, 12, 13 and 16 are included herein. No new matter has been added by these additions and amendments.

Applicant has added new Claims 35-49, which are believed to fall within the scope of Group I. Applicant believes that consideration of Claim 35 and its dependents is appropriate because they depend from claims in Group I. Accordingly, consideration of these claims should not present undue burden.

Applicant has amended Claims 1, 10 and 16 to clarify that the disposable article is heatable to a select temperature at least twice while maintaining chemical stability. Support for this amendment is found on page 3, lines 17-18, of the specification.

Applicant has further amended Claims 1, 10 and 16 to clarify that the aqueous solution includes at least one cocopolyglucose or arginine cocoate mild surfactant. Support for this amendment is found on page 7, lines 8-15, of the specification.

Applicant has amended Claim 12 to recite that the mild surfactant is a cocopolyglucose surfactant. Support for this amendment is found on page 7, lines 8-10, of the specification.

Applicant has amended Claim 13 to recite that the mild surfactant is arginine cocoate. Support for this amendment is found on page 7, lines 8-10, of the specification.

#### **Election/Restrictions**

Applicant affirms the election of Group I, claims 1-19, for further prosecution. Claims 20-34 of Group II have been canceled.

#### **Claim Rejections - 35 USC §102**

The rejection of Claims 1-3, 10, 12 and 13 under 35 USC §102(e) as being anticipated by U.S. Patent 6,361,784 to Brennan et al. is respectfully traversed.

The Brennan et al. reference discloses a nonwoven wipe pre-moistened with a lotion including an aqueous solution which can include a surfactant, and an effective amount of preservative, humectant, emollient, fragrance and fragrance stabilizer.

For a reference to anticipate a claim, the reference must disclose each and every element or limitation of the claim. The Brennan et al. reference does not disclose each and every element or limitation of amended Claims 1 and 10. Applicant's invention as claimed in independent Claims 1 and 10 requires that the aqueous solution include a cocopolyglucose or arginine cocoate mild surfactant and further requires the disposable article to be heatable to a select temperature at least twice while maintaining chemical stability.

The Brennan et al. reference does not disclose an aqueous solution including a cocopolyglucose or arginine cocoate mild surfactant but instead discloses that the aqueous solution includes a surfactant selected from the group consisting of phosphate quaternary amine components and non-ionic surfactants (Col. 11, lines 7-10). Furthermore, the Brennan et al. reference does not disclose that the disposable

article is heatable to a select temperature at least twice while maintaining chemical stability.

For at least the reasons presented above, Applicant respectfully submits that amended Claims 1 and 10 are not anticipated by the Brennan et al. reference. Because Claims 2 and 3 depend from Claim 1, and Claims 12 and 13 depend from Claim 10, these claims are also not anticipated by the Brennan et al. reference. Thus, Applicant respectfully requests withdrawal of this rejection.

The rejection of Claims 1-3, 5, 10 and 13 under 35 USC §102(b) as being anticipated by International Patent Application WO 99/66793 to Pung et al. is respectfully traversed.

The Pung et al. reference discloses a treated wipe article comprising a water-insoluble substrate and an aqueous liquid composition. The aqueous composition can include anionic surfactants, fragrance components, humectants, preservatives, essential oils, skin soothing agents, and skin healing agents.

As mentioned above, for a reference to anticipate a claim, the reference must disclose each and every element or limitation of the claim. The Pung et al. reference does not disclose each and every element or limitation of amended Claims 1 and 10. Applicant's invention as claimed in independent Claims 1 and 10 requires that the aqueous solution include a cocopolyglucose or arginine cocoate mild surfactant and further requires the disposable article to be heatable to a select temperature at least twice while maintaining chemical stability.

The Pung et al. reference does not disclose an aqueous solution including a cocopolyglucose or arginine cocoate mild surfactant but instead discloses that the aqueous solution includes an anionic surfactant such as alkyl and alkyl ether sulfates, sulfated monoglycerides, sulfonated olefins, alkyl aryl sulfonates, primary or secondary alkane sulfonates, alkyl sulfosuccinates, acyl taurates, acyl isethionates, alkyl glycerylether sulfonate, sulfonated methyl esters, sulfonated fatty acids, alkyl phosphates, acyl glutamates, acyl sarcosinates, alkyl sulfoacetates, acylated peptides, alkyl ether carboxylates, acyl lactylates, anionic fluorosurfactants, and mixtures thereof (page 10, paragraph 1). Furthermore, the Pung et al. reference does not disclose that the disposable article is heatable to a select temperature at least twice while maintaining chemical stability.

For at least the reasons presented above, Applicant respectfully submits that amended Claims 1 and 10 are not anticipated by the Pung et al. reference. Because Claims 2, 3 and 5 depend from Claim 1, and Claim 13 depends from Claim 10, these claims are also not anticipated by the Pung et al. reference. Thus, Applicant respectfully requests withdrawal of this rejection.

**Claim Rejections - 35 USC § 102/103**

The rejection of Claims 14 and 15 under 35 USC §102(e) as anticipated by or, in the alternative, under §103(a) as obvious over the Brennan et al. reference is respectfully traversed.

As mentioned above the Brennan et al. reference does not disclose an aqueous solution including a cocopolyglucose or arginine cocoate mild surfactant but instead discloses that the aqueous lotion preferably includes a surfactant selected from the group consisting of phosphate quaternary amine compounds and non-ionic surfactants (Col. 11, lines 7-10). Furthermore, the Brennan et al. reference does not disclose that the disposable article is heatable to a select temperature at least twice while maintaining chemical stability. As such the Brennan et al. reference does not disclose or suggest the use of a cocopolyglucose or arginine cocoate mild surfactant in an aqueous solution incorporated onto a basesheet to form a disposable article that is heatable to a select temperature at least twice while maintaining chemical stability. Moreover, the Brennan et al. reference does not disclose or suggest the need to carefully select surfactant components that are chemically stable over multiple heatings.

For at least the reasons given above, Applicant respectfully submits that the Brennan et al. reference does not disclose, or in the alternative, suggest Applicant's invention as recited in Claim 10. Because Claims 14 and 15 depend from Claim 10, these claims are not anticipated by, or in the alternative, obvious over the Brennan et al. reference. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

The rejection of Claims 7-9 and 14-19 under 35 USC §102(b) as anticipated by or, in the alternative, under §103(a) as obvious over the Pung et al. reference is respectfully traversed.

As mentioned above, the Pung et al. reference does not disclose an aqueous solution including a cocopolyglucose or arginine cocoate mild surfactant but instead discloses that the aqueous solution includes an anionic surfactant such as alkyl and alkyl ether sulfates, sulfated monoglycerides, sulfonated olefins, alkyl aryl sulfonates, primary or secondary alkane sulfonates, alkyl sulfosuccinates, acyl taurates, acyl isethionates, alkyl glycerylether sulfonate, sulfonated methyl esters, sulfonated fatty acids, alkyl phosphates, acyl glutamates, acyl sarcosinates, alkyl sulfoacetates, acylated peptides, alkyl ether carboxylates, acyl lactylates, anionic fluorosurfactants, and mixtures thereof (page 10, paragraph 1). Furthermore, the Pung et al. reference does not disclose that the disposable article is heatable to a select temperature at least twice while maintaining chemical stability. As such the Pung et al. references does not disclose or suggest the use of a cocopolyglucose or arginine cocoate mild surfactant in an aqueous solution incorporated onto a basesheet to form a disposable article that is heatable to a select temperature at least twice while maintaining chemical stability. Moreover, the Pung et al. reference does not disclose or suggest the need to carefully select surfactant components that are chemically stable over multiple heatings.

For at least the reasons given above, Applicant respectfully submits that the Pung et al. reference does not disclose, or in the alternative, suggest Applicant's invention as recited in Claims 1, 10 and 16. Because Claims 7-9 depend from Claim 1, Claims 14 and 15 depend from Claim 10, and Claims 17-19 depend from Claim 16, these claims are not anticipated by, or in the alternative, obvious over the Pung et al. reference. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

#### **Claim Rejections - 35 USC §103**

The rejection of Claims 4 and 11 under 35 U.S.C. §103(a) as being unpatentable over the Pung et al. reference in view of U.S. Patent 5,956,794 to Skiba et al. is respectfully traversed.

Claims 4 and 11 depend from and further limit Claims 1 and 10, respectively, which Applicant believes are patentable. As set forth above, the Pung et al. reference does not disclose or suggest the use of a cocopolyglucose or arginine cocoate mild surfactant in an aqueous solution incorporated onto a basesheet to form a

disposable article that is heatable to a select temperature at least twice while maintaining chemical stability.

The Skiba et al. fails to overcome the gaps of the Pung et al. reference in that it is directed to a washcloth formed from a blended cloth comprising rayon fibers such as lyocell and polyester fibers impregnated with an aqueous cleansing solution containing cleansing agents such as surfactants, moisturizing agents such as humectants, and preservatives. Commonly available cleansing solutions can also be employed. The Skiba et al. reference does not disclose or suggest the use of a cocopolyglucose or arginine cocoate mild surfactant in an aqueous solution incorporated onto a basesheet to form a disposable article that is heatable to a select temperature at least twice while maintaining chemical stability. Moreover, the Skiba et al. reference does not disclose or suggest the need to carefully select surfactant components that are chemically stable over multiple heatings.

For at least the reasons given above, Applicant respectfully submits the Pung et al. reference alone, or in combination with the Skiba et al. reference, does not disclose or suggest Applicant's invention as recited in Claims 1 and 10. Because Claim 4 depends from Claim 1 and Claim 11 depends from Claim 10, these claims are patentable over the Pung et al. reference in view of the Skiba et al. reference. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

The rejection of Claim 6 under 35 U.S.C. §103(a) as being unpatentable over the Pung et al. reference in view of International Patent Application WO 01/48025 A1 to Sun et al. is respectfully traversed.

Claim 6 depends from and further limits Claim 1 which Applicant believes is patentable. As set forth above, the Pung et al. reference does not disclose or suggest the use of a cocopolyglucose or arginine cocoate mild surfactant in an aqueous solution incorporated onto a basesheet to form a disposable article that is heatable to a select temperature at least twice while maintaining chemical stability.

The Sun et al. reference fails to overcome the gaps of the Pung et al. reference in that it is directed to methods of immobilizing uncomplexed and complexed cyclodextrins to cellulose fibers and compositions including cyclodextrins immobilized to cellulose fibers. The Sun et al. reference does not disclose or suggest

the use of a cocopolyglucose or arginine cocoate mild surfactant in an aqueous solution incorporated onto a basesheet to form a disposable article that is heatable to a select temperature at least twice while maintaining chemical stability. Moreover, the Sun et al. reference does not suggest or disclose the need to carefully select surfactant components that are chemically stable over multiple heatings.

For at least the reasons given above, Applicant respectfully submits the Pung et al. reference alone, or in combination with the Sun et al. reference, does not disclose or suggest Applicant's invention as recited in Claim 1. Because Claim 6 depends from Claim 1, this claim is patentable over the Pung et al. reference in view of the Sun et al. reference. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

The rejection of Claims 1-5, 7-11 and 14-19 under 35 U.S.C. §103(a) as being unpatentable over the Skiba et al. reference in view of International Patent Application WO 01/23510 to Sherry et al. is respectfully traversed.

As mentioned above, the Skiba et al. reference does not disclose or suggest the use of a cocopolyglucose or arginine cocoate mild surfactant in an aqueous solution incorporated onto a basesheet to form a disposable article that is heatable to a select temperature at least twice while maintaining chemical stability.

The Sherry et al. reference fails to overcome the gaps of the Skiba et al. reference in that it is directed to cleaning compositions and pre-moistened wipes including the cleaning compositions for cleaning hard surfaces such as floors, glass surfaces, counters, walls, showers and/or tubs. The cleaning composition can include one of the preferred surfactants, such alkylpolysaccharides or nonionic surfactants, including alkyl ethoxylates (Page 10, lines 15-18). The Sherry et al. reference does not disclose or suggest the use of a cocopolyglucose or arginine cocoate mild surfactant in an aqueous solution incorporated onto a basesheet to form a disposable article that is heatable to a select temperature at least twice while maintaining chemical stability. Moreover, the Sherry et al. reference does not disclose or suggest the need to carefully select surfactant components that are chemically stable over multiple heatings.

For at least the reasons given above, Applicant respectfully submits the Skiba et al. reference alone, or in combination with the Sherry et al. reference, does

not disclose or suggest Applicant's invention as recited in Claims 1, 10 and 16. Because Claims 2-5 and 7-9 depend from Claim 1, Claims 11, 14 and 15 depend from Claim 10, and Claims 17-19 depend from Claim 16, these claims are patentable over the Skiba et al. reference in view of the Sherry et al. reference. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

The rejection of Claims 12 and 13 under 35 U.S.C. §103(a) as being unpatentable over the Skiba et al. reference in view the Sherry et al. reference as applied to Claim 10, and further in view of International Patent Application WO 00/47183 to Sine et al. is respectfully traversed.

As discussed above, the Skiba et al. reference alone, or in combination with the Sherry et al. reference, does not disclose or suggest the use of a cocopolyglucose or arginine cocoate mild surfactant in an aqueous solution incorporated onto a basesheet to form a disposable article that is heatable to a select temperature at least twice while maintaining chemical stability.

The Sine et al. reference does not overcome the gaps of the Skiba et al. and Sherry et al. references, alone or in combination, in that the Sine et al. reference is directed to gel compositions for sanitizing and moisturizing skin surfaces that can be incorporated into an insoluble substrate and can include emulsifying surfactants such as polyoxyethylene esters, polyoxyethylene glycol esters, and polyoxyethylene sorbitan esters (Page 20, paragraph 1). The Sine et al. reference does not disclose or suggest the use of a cocopolyglucose or arginine cocoate mild surfactant in an aqueous solution incorporated onto a basesheet to form a disposable article that is heatable to a select temperature at least twice while maintaining chemical stability. Moreover, the Sine et al. reference does not disclose or suggest the need to carefully select surfactant components that are chemically stable over multiple heatings.

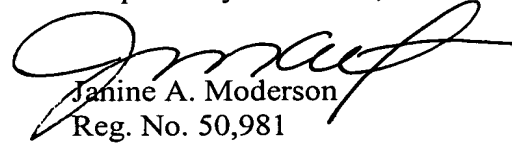
For at least the reasons given above, Applicant respectfully submits the Skiba et al. reference alone, or in combination with the Sherry et al. reference and/or the Sine et al. reference, does not disclose or suggest Applicant's invention as recited in Claim 10. Because Claims 12 and 13 depend from Claim 10, these claims are patentable over the Skiba et al. reference in view of the Sherry et al. reference and further in view of the Sine et al. reference. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.



**Conclusion**

Applicant believes that this case is now in condition for allowance. If the Examiner feels that any issues remain, then Applicant's undersigned attorney would like to discuss the case with the Examiner. The undersigned can be reached at (847) 490-1400.

Respectfully submitted,

  
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